

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION**

| | | |
|-------------------------|---|----------------------|
| BREANN KANIEWSKI, |) | |
| |) | |
| Plaintiff, |) | Case No. 18-cv-02082 |
| |) | |
| v. |) | |
| |) | |
| ROUNDY'S ILLINOIS, LLC, |) | |
| |) | |
| Defendant. |) | |

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO
STRIKE PLAINTIFF'S RULE 56.1(b)(3) RESPONSES**

Plaintiff, BreAnn Kaniewski ("Plaintiff"), by and through her undersigned counsel, hereby responds in opposition to Defendant Roundy's Illinois, LLC's ("Defendant") Motion to Strike Plaintiff's Rule 56.1(b)(3) Responses and accompanying Memorandum (collectively as "Motion"), and states as follows:

1. Defendant's Motion is noticed for presentment before this Court on March 11, 2019 at 9:00 a.m.
2. Plaintiff will be fully prepared to address all of Defendant's arguments at that time if necessary.
3. However, in the interim, Plaintiff files this Response in order to address Defendant's apparent allegation of misconduct contained in the introduction to its Motion, which is not elaborated upon in the body of its Motion.
4. Specifically, Defendant states: "Plaintiff has omitted and/or altered evidentiary materials set forth in paragraphs 4, 5, 12, 18, 20, 31-32, 42 and 57 of Mariano's [Separate Statement of Undisputed Facts]."

5. Upon review, Plaintiff intentionally omitted images or graphs inserted by Defendant in paragraphs 4, 18, 20, 31-32, 42 and 57 of its Separate Statement of Undisputed Facts. This was done because Plaintiff was unable to accurately copy the image or graph from the PDF format filing available to her counsel. In the identified paragraphs, Plaintiff included a notation each and every time, stating: “[image omitted].”

6. In paragraphs 5 and 12, Plaintiff copied the image or graph inserted by Defendant as accurately as possible from the PDF format filing available to her counsel.

7. Plaintiff strongly denies that these instances of inexact reproduction of Defendant’s Separate Statement of Undisputed Facts constitutes omission and/or altered evidentiary materials in violation of Local Rule 56.1(b)(3)(A). Defendant’s Motion to Strike on this basis is unwarranted.

WHEREFORE, Plaintiff respectfully requests that Defendant’s Motion to Strike Plaintiff’s Improper Local Rule 56.1(b)(3) Responses be denied.

DATED: March 4, 2019

Respectfully submitted,

By: /s/ Madelaine M. Thomas

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CERTIFICATE OF SERVICE

I, Madelaine M. Thomas, an attorney, hereby certify that I caused the foregoing *Plaintiff's Response in Opposition to Defendant's Motion to Strike Plaintiff's Rule 56.1(b)(3) Responses* to be served upon all counsel of record by way of the ECF system on March 4, 2019.

DATED: March 4, 2019

Respectfully submitted,

By: /s/ Madelaine M. Thomas